

RECEIPT

Department of Ecology (4610)

PO Box 47611

Olympia, WA 98504-7611

(360) 407-7095

Receipt Number

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Manual Receipt

Document Number 461S0458 CJ Date 10/15/2013 FM 04

Remitter Name AMERITITLE

Receipt Name

RATTRAY, MARK C

Check/Draw Number 42681

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Comment Description ECOLOGYS 40 YR - G4-35584, G4-35585, G4-35586

G4-35584 - 59.40

G4-35585 - 13.46

G4-35586 - 13.46

Total: 86.32

REF DOC NR	REF DOC SFX	INV NR	ID NR	SUB ID NR	T C R	FUND	MAJ GRP	MAG SRC	SUB SRC	CNTY	WORK CLS	PIC	AI	ORG	PRJ	SUB PRJ	PRJ PHS	SUB OBJ	SUB SUB OBJ	VAR GL	SUB DR	SID CR	SUB SID	ALLOC AMT
					001	05W	04	99	USBR00															86.32



Water Bank: Swiftwater

TRS: 20 R 16 S 25/26

Applicant name: MARK & JANE RATHAY WBN WRTS No. 64-35584

Checklist for Reviewing Requests for Determination of Water Budget Neutrality (RDWBN)

Existing well ABP-016 + 2 new wells

I. Does the rule apply?

- ☒ Is the well within the mapped Upper Kittitas area? X yes ___ no various yellow & green
- ☒ Is proposed use either domestic, group domestic, lawn or noncommercial garden, municipal, stock watering, or industrial? (Circle all that apply)

II. Does the total proposed water use and purpose(s) fall under the limits of the groundwater permit exemption?

- ☒ Is this a group or non group use? (Circle one)
- ☒ If group use, number of parcels 3 of 4 (total # parcels in group)
- ☒ Does the owner have interest in any proximate parcel? X yes ___ no
- ☒ Does the owner have significant, voluntary joint activity and cooperation with the owner of a proximate parcel? X yes ___ no
- ☒ Exempt? X yes ___ no
- ☒ Require Permit? (Check parcel map, County website, Well logs, SEPA documents, etc, as appropriate) ___ yes X no

III. Is the necessary information provided in RDWBN per WAC 173-539A-050(2)

C54-YR0306-255(A) 10/2

- ☒ Mitigation trust water rights identified? X yes ___ no, TWR No. (B) 02
- ☒ Site map provided? X yes ___ no (C) 02
- ☒ Area to be irrigated provided: 0.033 acres
- ☒ Soil Report provided (if needed) ___ yes ___ no X n/a
- ☒ Provided signed covenant restricting trees/shrubs over drain field OR Sewer Utility agreement? (Circle one)
- For parcel number: 528536, 121136, 194935
- ☒ Is the Request signed? X yes ___ no By MARK ONLY!
- ☒ GW mitigation agreement provided: ___ yes X no
- ☐ Other necessary information missing: _____

Group Use Reviewer: C.G. Date 10-22-12

IV. Executed agreement to designate a portion of a TWR provided and signed?

V. Is the TWR proposed for mitigation suitable for the applicant's proposal?

- ☐ Proposal complies with applicable TWR agreement ✓ yes ___ no
- ☐ What is the suitability area for the subject Trust Water Right: green, red, or yellow?
- ☐ Is a USBR contract assignment required? ✓ yes ___ no
- ☐ If yellow and a contract assignment is required, complete the ESA Consultation protocol and take to WTWG. Determine suitability based on HG analysis (check for related HG analysis and contact appropriate HG). If appropriate, fill out "Yellow Area Acquisition, Exchange and Storage Process" letter to send to USBR.
- ☐ If green and a contract assignment is required, fill out "Green Area Acquisition, Exchange and Storage Process" letter to send to USBR. WTWG already discussed green area Suncadia mitigation projects on March 8, 2010, so if this uses Lamb and Anderson mitigation, does not need to go to WTWG again.
- ☐ If other TWR provided by the applicant, is there any potential impact to surface water system upstream of the original TWR POD? If so, USBR contract assignment is required and needs to go to WTWG.

VI. Is the consumptive use as a result of the total proposed use equal to or less than the quantity of mitigation water offered per WAC 173-539A-060(2)(a)? ✓ yes ___ no (Use the calculator and CU values from WAC 173-539A unless additional specific information is provided by the applicant)

VII. Has the RDWBN been provided to the Fish Group? ___ yes ✓ no ___ n/a Date ready for fish group: _____

- ☐ Create/include a pdf version of 1) the request, 2) a map, 3) draft WBN determination, and 4) draft HGmemo. And place these 4 pdfs in a new folder located in Sharepoint> WBN Templates and Tools>Fish group pdf's
- Fish group response: 6-3-13

VIII. Has the RDWBN been taken to WTWG? ✓ yes ___ no If yes, date: 6-3-13 [date ready for WTWG: _____]

WTWG#: 2013-26; WTWG Response: see minutes

IX. ☒ Debit TWR (Accounting for * * mitigation.xlsx) and USBR-Ecology Contract Accounting spreadsheet

Reviewed by [Signature] Recommendation: Approve ✓ Deny ___ or Reject ___ Date 7-30-13

**WATER BUDGET NEUTRALITY (WBN)
REVIEW ROUTER**

- ☒ **WBN DETERMINATION** Letter
☐ **WBN REJECT & RETURN** Letter
☐ **AMENDED:** _____
☐ **Other:** _____
- ☐ **WBN REPORT OF EXAMINATION**
☐ **WBN DENIAL** Letter
☒ **EXCHANGE CONTRACT** Assignment

File No.: CW-35584
Author/Date: K Walker 7-30-13
SharePoint: >Water Right Documents>

Dates drafted/edited (Admin): _____

GWIS mapping review (review changes **BEFORE** final)
GWIS initials/date: _____
GWIS remarks & edits (if more room is needed use back of page):

Sage Park _____
Operations Sup. (Initial/Date indicate **DRAFT ROE is ready to post**)

Stuart Luttrell _____
Technical Sup. (Initial/Date indicate **DRAFT ROE is ready to post**)

Mark Kemner Section Mgr _____
(Initial/Date) Indicates **DRAFT ROE is ready to post**

Email pdf to Chris Anderson, HQ to Post to Net: _____
(posted for 2 weeks)

Sage Park _____
Operations Sup (Initial/Date **FINAL ROE is ready for Posting/Mailing**)

Stuart Luttrell SLP 7/31/13
Technical Sup (Initial/Date **FINAL ROE is ready for Posting/Mailing**)

Mark Kemner Section Mgr MK 7/31/13
(Initial/Date) **FINAL ROE is ready for Posting/Mailing**

~~**Email pdf to Chris Anderson, HQ to Post to Net:**~~ CRO-Admin 7/31/13
(posted for 60 days)

Date Doc mailed: 7/31/13
(Admn initial/date when doc is finalized & mailed)

☐ **Exchange Contract reviewed by:** M
(Section Manager Initial/Date); Admin: **Send to USBR**

WRIA: 37 ☐
38 ☐
39 ☒

COUNTY: Benton ☐
Yakima ☐
Kittitas ☒

Remarks, Special Instructions, Related Files:

Please use Back of Page.

CC's (Check application signatures): _____ **If Certified**
check box

☒ **Trust Water Right Debited:** K Walker 7-30-13
Permit Writer (Initial and Date)
☒ **USBR-Ecology Contract Debited:** K Walker 7-30-13
Permit Writer (Initial and Date)

cc's & protestants (more room on back of page)

- ☐ Yakama Nation ☐ Suncadia, LLC
☐ Joe Mentor, Jr. (email: mentor@mentorlaw.com)
☐ Jessica Kuchan (email: kuchan@mentorlaw.com)
☒ SwiftWater (email: gleasonproperties@comcast.com)
☐ Roth-Clennon (email: teroth@earthlink.net)
☐ Masterson (email: kmasterson@inlandwireless.com)
☐ James Rivard, Kittitas Co. Health Dept. (**1-9 Connections**)
(email: environmentalhealth@co.kittitas.wa.us)
☐ WA State DOH, Heather Cannon (**more than 9 Connections**)
(email: heather.cannon@doh.wa.gov)

Other: _____

Attachments:

- ☒ Your Right to Be Heard
☐ PTO appeal? No Your Right to Be Heard
☒ Water Measurement Requirements & Form 1
☐ Focus on Water Right Relinquishment (98-1812-WR)
☒ Advisory Letter (White)
☐ METHANE Advisory Letter (Blue)
☐ Other: _____

Comments/Notes may be made on back of page.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 31, 2013

William Ferry, USBR
Columbia-Cascades Area Office
1917 March Rd
Yakima WA 98901-2058

Re: Assignment of Trust Water Right to USBR-Ecology Contract

Dear Mr. Ferry:

Enclosed are two proposed assignments of trust water right to the USBR-Ecology Exchange Contract (Contract No. 09XX101700).

The attached sheets describe how the assignments meet the terms of the storage contract.

Please call me at (509) 454-4258 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Kemner".

Mark Kemner, LHG
Section Manager
Water Resources Program/CRO

MK:KW:ss
130735

Enclosures: Proposed Assignment (Exchange Contract)
Copy of No. G4-35584 and G4-35608

FILE COPY

SwiftWater Ranch LLC "Yellow Area" Exchange Contract Assignment

Mark & Jane Rattray

WBN Request No. G4-35584

The Department of Ecology (Ecology) has determined the use of groundwater described below will be water budget neutral with respect to Total Water Supply Available (TWSA). The reach of the Yakima River affected by the groundwater appropriation can be mitigated by release of stored water from a U.S. Bureau of Reclamation (USBR) storage facility upstream from the affected reach. Supplemental consultation under Endangered Species Act (ESA) is, therefore, not required pursuant to Article 18.b of the contract.

1. The groundwater use that will be offset by the trust water right is for domestic supply and 0.011 acres of lawn and garden irrigation. The use of water will be located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 20 N., R. 16 E.W.M. (Parcel No. 528536). The consumptive water use will be 0.072 acre-feet from April 1 through September 15, and 0.075 acre-feet from September 16 through March 31.
2. The trust water right (No. CS4-02255(A)CTCL@2) was placed into the Trust Water Right Program by SwiftWater Ranch LLC.
3. The Trust Water Agreements between Ecology and SwiftWater Ranch LLC can be found at the following website:
<http://www.ecy.wa.gov/programs/wr/cro/swrwb.html>
4. Ecology assigns 0.075 acre-feet of Trust Water Right Certificate to the USBR-Ecology Exchange Contract (Contract No. 09XX101700). The term of the assignment is from July 30, 2013 to January 29, 2049.
5. The total payment for 36 years, based on the rate of \$22/ac-ft/yr in Article 15.a, is \$59.40.

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